IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4863 OF 2005

Ornate Multi Modal Carriers Carriers Pvt. Ltd. & Anr. : Petitioners

V/s.

M/s.GAD Shipping & Transport Pvt. Ltd. & Anr. : Respondents

...

Mr.R.S.Datar for the petitioners.

None present for the respondents.

...

CORAM : S.A. BOBDE, J.

August 2, 2005.

P.C.:

1. The petitioners, who have been added as parties by the trial Court, have challenged the order by which they are so added. The petitioner no.1 is a company and the petitioner no.2 is a Director of the company who have been added. The suit has been filed by the respondent no.1 for an injunction restraining the original defendants from removing certain machinery specified in the plaint from the site in question. According to the plaintiff, the removal of the machinery would result in breach of the contract between the plaintiff and the original defendant.

The plaintiff applied for showing the present petitioners as parties and also sought a mandatory injunction directing them to hand cover the vehicles and equipments referred to in the plaint to the plaintiff. The trial Court has allowed this.

2. Mr.Datar, the learned counsel for the petitioners, submits that the dispute is between the plaintiff and the original defendant with which the petitioners have no concern. The learned counsel, however, admits that the petitioners' own equipments is the subject-matter of the suit and that they have removed the said equipments from the suit site. On this submission itself, and having regard to the nature of the controversy in the suit, there is no reason to interfere with the order joining the petitioners as parties to the suit. It is clear that they have a direct and substantial interest in the subject-matter of the suit.

3. The petition is, therefore, dismissed.

Sd/-

S.A. BOBDE, J.